

### Remarks

Claims 1-21 are pending in the application.

#### Applicant's Summary of Examiner Interview

Applicant's representative would like to thank the Examiner for his time in their interview on March 27, 2006. Claims 1 and 11 were discussed with regard to Thornton and claims 12 and 21 were discussed with regard to Brent. The Examiner indicated that the amendments to the claims would overcome those references and that he would do another search upon receipt of the amendment.

Claims 1-6 and 9-11 are rejected under 35 USC 102(e) as being anticipated by Thornton (US Patent No. 6,363,065).

Thornton discloses a system in which the call may be switched between the PSTN and the data network if the data network can handle the call. See Thornton, Figures 1 and 2 and col. 10, line 55 through col. 11, line 4. Thornton does not disclose transmitting packet data across the PSTN if the two devices are packet devices involved in a PSTN call, as is required by claims 1 and 11.

Claims 1 and 11, as amended, require that the controller "determine, using signals received from at least one other network device, whether the network device is participating in a public switched transmission session with at least one other network device capable of converting the altered data stream to the packet data stream," and "send the packet data stream across the public switched transmission network to the at least one other network device if it is determined that the at least one other network device is capable of converting the altered data stream to the packet data stream." This is not shown, taught or suggested by Thornton.

It is therefore submitted that claims 1-6 and 9-11 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 12, 13, 15, 16, 19-21 were rejected under 35 USC 102(e) as being anticipated by Brent et al. (US Patent No. 6,272,358).

Brent teaches a mobile-to-mobile call that is switched between ATM and PCM networks. The ATM data is not sent across the PCM network, analogous to packet data being sent across the PSTN network. See Figure 2 and col. 3, lines 31-67.

Claims 12 and 21 require, "determining whether the network device is participating in a public switched transmission session with at least one other network device capable of converting the altered data stream to the packet data stream, using signals received from the at least one other network device," and "sending the packet data stream across the public switched transmission network to the at least one other network device, if it is determined that the at least one other network device is capable of converting the altered data stream to the packet data stream." This is not shown, taught or suggested by Brent.

Therefore, it is submitted that claim 12 and its dependent claims 13, 15, 16 and 19-20, and claim 21 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claim 7 was rejected under 35 USC 103(a) as being unpatentable over Thornton et al. in view of Sebestyen (US Patent No. 5,847,752).

Claim 7 depends from claim 1. As discussed above, Thornton does not teach, show or suggest the invention as claimed in claim 1, much less the further embodiments of claim 7. Sebestyen does not overcome this deficiency. It is therefore submitted that claim 7 is patentably distinguishable over the prior art and allowance of this claim is requested.

Claim 8 was rejected under 35 USC 103(a) as being unpatentable over Thornton et al. As discussed above, Thornton does not teach, show or suggest the invention as claimed in claim 1, much less the further embodiments of claim 8. It is therefore submitted that claim 8 is patentably distinguishable over the prior art and allowance of this claim is requested.

Claim 14 is rejected under 35 USC 103(a) as being unpatentable over Brent et al. in view of Sebestyen.

Claim 14 depends from claim 12. As discussed above, Brent does not teach, show or suggest the invention as claimed in claim 12, much less the further embodiments of claim 14. Sebestyen does not overcome this deficiency. It is therefore submitted that claim 14 is patentably distinguishable over the prior art and allowance of this claim is requested.

Claims 17 and 18 are rejected under 35 USC 103(a) as being unpatentable over Brent et al. further in view of Thornton et al.

As discussed above, Brent does not teach, show or suggest the invention as claimed in claim 12, much less the further embodiments of claims 17 and 18. Sebestyen does not overcome this deficiency. It is therefore submitted that claim 17 and 18 are patentably distinguishable over the prior art and allowance of these claims is requested.

No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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